

## **REMARKS**

Claims 1-13 are pending in the application. Applicants amend claim 13 for a minor correction, and amend claims 1 and 12 for clarification. No new matter has been added.

Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicants amend claim 13 to correct the antecedent basis issue raised by the Examiner, and respectfully request that the Examiner withdraw the § 112, ¶ 2 rejection.

Applicants, again, acknowledge with appreciation the Examiner's finding that claims 2-11 and 13 contain allowable subject matter. Applicants submit that base claims 1 and 12 are patentable over the reference cited against them as demonstrated below, and, accordingly, request that the Examiner allow claims 2-11 and 13.

Claims 1 and 12 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,341,224 to Dohi et al. Applicants amend claims 1 and 12 in a good faith effort to clarify the invention as distinguished from the cited reference, and respectfully traverse the rejection.

Applicants respectfully point out to the Examiner that the cited portions of Dohi et al. only include description of changing a target SIR based on an error rate and generally increasing or decreasing a transmission power based on a comparison with the target SIR. Such portions of Dohi et al. do not include any disclosure of a unit increment or a unit decrement of a reference signal-to-interference power ratio, let alone setting a unit increment and a unit decrement in such a way to satisfy a prescribed relation equation with a set target signal error rate. Such portions of Dohi et al. also do not include any disclosure of changing a size of one or more of the unit of increment and unit decrement of the reference signal-to-interference power ratio.

Thus, Dohi et al., as cited and relied upon by the Examiner, fail to disclose,

“[a]n outer-loop power control device in which a reference signal-to-interference power ratio, which is a basis of transmission power control by a communications environment, is variable, comprising:

a signal-to-interference power ratio measurement unit measuring a signal-to-interference power ratio of a receiving signal;

an error rate measurement unit measuring an error rate of receiving data;

a reference signal-to-interference power ratio modification unit setting an observation time period of an error rate/number of target observation blocks of the error rate, a unit increment of a reference signal-to-interference power ratio, a unit decrement of the reference signal-to-interference power ratio and a target signal error rate in such a way to satisfy a prescribed relation equation, changing a size of one or more of the unit increment and the unit decrement of the reference signal-to-interference power ratio according to the measured error rate, and modifying the reference signal-to-interference power ratio based on the measured error rate; and

a command generation unit generating a command for transmission power control by comparing the modified reference signal-to-interference power ratio with the measured interference power ratio,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over Dohi et al. for at least the foregoing reasons. Claim 12 incorporates features that correspond to those of claim 1 cited above, and is, therefore, patentable over Dohi et al. for at least the same reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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